

In the Claims:

Please cancel Claims 2, 11 and 31, without prejudice; add new Claims 36-38; and amend Claims 1, 3-5, 10, 12, 16-19, 30 and 35 as indicated below. The status of all pending claims is as follows:

1 (Currently Amended) A measuring guide for assisting in locating a prosthetic device during an orthopedic procedure, comprising:

a marking guide adapted to facilitate marking of a bone tissue at a desired location;

a stop plate;

a ruler coupled to the marking guide and to the stop plate; plate, the ruler indicating the distance between the marking guide and the stop plate; and

a locking mechanism that cooperates with the ruler to permit selective adjustment of the distance between the marking guide and the stop plate by moving the stop plate with respect to the ruler, wherein the marking guide and the stop plate are utilized in a manner noninvasive to the bone tissue; tissue, and further wherein the stop plate is pivotably coupled to the locking mechanism to permit positioning of the stop plate at desired angles with respect to the ruler.

2. (Cancelled)

3. (Currently Amended) The measuring guide as recited in ~~claim 2~~, claim 1, wherein the stop plate is configured to abut the distal femoral condyles.

4. (Currently Amended) The measuring guide as recited in ~~claim 2~~, claim 1, wherein the stop plate is configured to abut the proximal end of a tibia.

5. (Currently Amended) The measuring guide as recited in ~~claim 2~~, claim 1, wherein the stop plate is adapted to be locked at desired angles with respect to the ruler.

6. (Previously Presented) The measuring guide as recited in claim 5, wherein the desired angles are approximately 84°, 90°, and 96°.

7. (Original) The measuring guide as recited in claim 1, wherein the locking mechanism comprises an opening through which the ruler is received and a release mechanism to selectively release the ruler for sliding movement through the opening.

8. (Original) The measuring guide as recited in claim 7, wherein the ruler comprises a flat side and a series of periodic grooves, and the release mechanism

comprises at least one corresponding protrusion to engage selected grooves of the series of periodic grooves.

9. (Original) The measuring guide as recited in claim 8, further comprising a handle coupled to the locking mechanism and a lever coupled to the release mechanism to permit selective engagement and disengagement of the release mechanism and the ruler.

10. (Currently Amended) A measuring guide for noninvasive measurement of bone tissue during an orthopedic procedure, comprising:

a noninvasive marking guide;

a ruler coupled to the marking ~~guide~~; and guide;

a noninvasive stop plate coupled to the ruler, the noninvasive stop plate being ~~pivotal~~ pivotable, with respect to a pivot point on the ruler ~~ruler~~, to facilitate transverse placement, with respect to the ruler, against an end surface of a ~~bone~~; bone; and

a locking mechanism that permits selective adjustment of the distance between the noninvasive marking guide and the noninvasive stop plate,

wherein the ruler indicates the distance between the noninvasive marking guide and the noninvasive stop plate.

11. (Cancelled)

12. (Original) The measuring guide as recited in claim 11, wherein the locking mechanism comprises:

a block having an opening slidably receiving the ruler; and

a spring-loaded release mechanism biased toward engagement with the ruler to lock the ruler at a desired location with respect to the block.

13. (Original) The measuring guide as recited in claim 12, wherein the noninvasive stop plate is pivotably mounted to the block.

14. (Original) The measuring guide as recited in claim 13, further comprising a handle coupled to the block, wherein the handle is adjustable to selectively lock the noninvasive stop plate at a desired angle with respect to the ruler.

15. (Original) The measuring guide as recited in claim 12, further comprising a lever coupled to the release mechanism to permit selective disengagement of the release mechanism from the ruler.

16. (Currently Amended) The measuring guide as recited in ~~claim 11~~, claim 10, wherein the stop plate is configured to abut the distal femoral condyles.

17. (Currently Amended) The measuring guide as recited in ~~claim 11~~, claim 10, wherein the stop plate is configured to abut the proximal end of the tibia.

18. (Currently Amended) The measuring guide as recited in ~~claim 11~~, claim 10, wherein the noninvasive stop plate is selectively lockable at angles of approximately 84°, 90° and 96° relative to the ruler.

19. (Currently Amended) A method for utilizing a measuring device to facilitate an orthopedic procedure, comprising:

setting a selected distance between a noninvasive stop plate and a noninvasive marking guide movably coupled to the stop plate, wherein setting comprises changing the position of the noninvasive stop plate relative to the noninvasive marking guide along a ruler by moving the noninvasive stop plate with respect to the ruler;

abutting the noninvasive stop plate against an end of a member to be measured;

and

placing the noninvasive marking guide along bone tissue of the member the selected distance from the stop plate for marking of the bone ~~tissue~~; tissue; and

reading, from the ruler, the distance between the noninvasive stop plate and the noninvasive marking guide.

20. (Original) The method as recited in claim 19, further comprising marking the bone tissue.

21. (Original) The method as recited in claim 20, further comprising lifting the noninvasive stop plate and the noninvasive marking guide from the member.

22. (Original) The method as recited in claim 21, further comprising removing the bone tissue from the member in an oncological procedure.

23. (Original) The method as recited in claim 21, further comprising performing a revision procedure.

24. (Original) The method as recited in claim 19, further comprising pivoting the noninvasive stop plate to a desired angle.

25. (Previously Presented) The method as recited in claim 24, wherein pivoting comprises pivoting the noninvasive stop plate to an angle that allows the noninvasive stop plate to abut a pair of distal femoral condyles of the member.

26. (Original) The method as recited in claim 19, wherein abutting comprises abutting the proximal end of the tibia.

27. (Cancelled)

28. (Previously Presented) The method as recited in claim 19, wherein changing comprises sliding the noninvasive stop plate relative to the ruler.

29. (Original) The method as recited in claim 28, wherein setting further comprises selectively locking the noninvasive stop plate to the ruler with a spring biased release mechanism.

30. (Currently Amended) A system for utilizing a measuring device to facilitate an orthopedic procedure, comprising:

means for abutting an end of a desired bone member;

means for guiding the marking of the desired bone member without invading bone tissue;

a ruler connected to both the means for abutting and the means for ~~guiding; and~~
guiding, the ruler indicating the distance between the means for abutting and the means for
guiding; and

means for controlling the distance between the end of the desired bone member and a location to be marked by moving the means for abutting with respect to the ~~ruler; ruler,~~
wherein the means for abutting comprises a pivotable stop plate.

31. (Cancelled)

32. (Currently Amended) The system as recited in claim 30, wherein the means for ~~marking~~ guiding comprises a marking guide configured to abut a side of the desired bone member.

33. (Original) The system as recited in claim 30, wherein the means for controlling comprises:

a block through which a ruler is slidably received; and

a release mechanism to releasably couple the block and the ruler.

34. (Previously Presented) The measuring guide as recited in claim 1, wherein said locking mechanism includes an opening, and said ruler is configured to slide within said opening.

35. (Currently Amended) The measuring guide as recited in ~~claim 11~~, claim 10, wherein said locking mechanism includes an opening, and said ruler is configured to slide within said opening.

36. (New) The measuring guide as recited in claim 1, wherein said ruler is a rigid member that extends the full length between the marking guide and the stop plate and said ruler includes a series of markings to indicate the distance between the marking guide and the stop plate, and further wherein when the stop plate is moved along the ruler towards the marking guide, the distance between the stop plate and the marking guide decreases.

37. (New) The measuring guide as recited in claim 1, wherein said ruler is a rigid member that extends the full length between the marking guide and the stop plate.

38. (New) The measuring guide as recited in claim 10, wherein said ruler is a rigid member that extends the full length between the marking guide and the stop plate.